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History: C. 1953, 41-13a-20, enacted by L. 1985, ch. 26, § 1.

CHAPTER 14

TRAFFIC SAFETY COORDINATING COMMITTEE

(Repealed by Laws 1987, ch. 24, § 1)

41-14-1 to 41-14-3. Repealed.

Repeals. — Laws 1987, ch. 24, § 1 repeals §§ 41-14-1 to 41-14-3, as enacted by Laws 1963, ch. 69, §§ 1 and 3 and amended by Laws 1981, ch. 126, § 44, relating to the traffic safety coordinating committee.

CHAPTER 15

VEHICLE EQUIPMENT SAFETY COMPACT

| Section | | Section | |
|----------|--------------------------------------------------------------------------------------------------------------|-----------|--------------------------------------------------------------------------------------------------------|
| 41-15-1. | Ratification. | 41-15-7. | Coverage of employees of Vehicle Equipment Safety Commission under Public Employees Retirement System. |
| 41-15-2. | Text of compact. | | |
| 41-15-3. | Department of transportation to promote public safety. | 41-15-8. | Co-operation of departments, agencies and officers of state. |
| 41-15-4. | Existing laws on equipment requirements — When superseded and repealed. | 41-15-9. | Filing of documents with department of transportation. |
| 41-15-5. | Legislative approval of rules of Vehicle Equipment Safety Commission required. | 41-15-10. | Submission of budgets to transportation department. |
| 41-15-6. | Appointment of commissioner on Vehicle Equipment Safety Commission — Designation and authority of alternate. | 41-15-11. | Inspection of accounts of Vehicle Equipment Safety Commission. |
| | | 41-15-12. | "Executive head" defined. |

41-15-1. Ratification.

The Vehicle Equipment Safety Compact is hereby unconditionally ratified, approved and confirmed for and by the state of Utah, and is entered into with all other jurisdictions legally joining therein.

History: L. 1963, ch. 71, § 1.
Vehicle Equipment Safety Compact. —
 See § 41-15-2.

41-15-2. Text of compact.

The text of said compact is as follows:

VEHICLE EQUIPMENT SAFETY COMPACT**ARTICLE I****Findings and Purposes**

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional co-operation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in Subsection (a) of this article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

ARTICLE II**Definitions**

As used in this compact:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

ARTICLE III

The Commission

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the commission. The commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission.

(b) The commissioners shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members a chairman, a vice chairman and a treasurer. The commission may appoint an executive director and fix his duties and compensation. Such executive director shall serve at the pleasure of the commission, and together with the treasurer shall be bonded in such amount as the commission shall determine. The executive director also shall serve as secretary. If there be no executive director, the commission shall elect a secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director with the approval of the commission, or the commission if there be no executive director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commissioner's functions, and shall fix the duties and compensation of such personnel.

(f) The commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect to old age and survivor's insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize and dispose of the same.

(i) The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(j) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable.

ARTICLE IV

Research and Testing

The commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and the administrative rules, regulations or codes which would promote effective governmental action or co-ordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

ARTICLE V

Vehicular Equipment

(a) In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this article. No less than sixty days after the publication of a report containing the results of such study, the commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in Subsection (a) of this article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the commission and hereby declare its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the Legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any commission rule, regulation or code to the Legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to Subsections (e) and (g) of this article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the commission pursuant to this article if such agency specifically finds, after public hearing on due notice, that a variation from the commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subsection.

ARTICLE VI

Finance

(a) The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the Legislature thereof.

(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Subsection III(h) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under Subsection III(h) hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE VII

Conflict of Interest

(a) The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the commission and contractors with the commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regula-

tions as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a commission rule or regulation adopted pursuant to this article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the commission subject to cancellation by the commission.

(b) Nothing contained in this article shall be deemed to prevent a contractor for the commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

ARTICLE VIII

Advisory and Technical Committees

The commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may co-operate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

ARTICLE IX

Entry into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE X

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining

party states and in full force and effect as to the state affected as to all severable matters.

History: L. 1963, ch. 71, § 2.

Compiler's Notes. — More than six states, the number needed under Article IX(a) to enter

this compact into force, have ratified the compact.

COLLATERAL REFERENCES

A.L.R. — Effect of violation of safety equipment statute as establishing negligence in automobile accident litigation, 38 A.L.R.3d 530.

41-15-3. Department of transportation to promote public safety.

The department of transportation, acting upon recommendations of the Vehicle Equipment Safety Commission and pursuant to the Vehicle Equipment Safety Compact, shall provide a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this act.

History: L. 1963, ch. 71, § 3; 1975 (1st S.S.), ch. 9, § 8.

Meaning of "this act". — The term "this act," referred to in this section, means Laws 1963, ch. 71, which appears as §§ 41-15-1 to 41-15-12.

Vehicle Equipment Safety Compact. — See § 41-15-2.

Cross-References. — Utah Department of Transportation, Chapter 49 of Title 63.

41-15-4. Existing laws on equipment requirements — When superseded and repealed.

The existing provisions of Utah law prescribing motor vehicle equipment requirements shall continue to be of force and effect only until superseded by a rule, regulation or code adopted by the Utah Department of Transportation pursuant to the Vehicle Equipment Safety Compact. Any such rule, regulation or code shall specify the provision or provisions of existing statute being superseded in accordance with and as required by this act. Any such provision or provisions are hereby repealed, effective on the date when the rule, regulation or code superseding such provision or provisions become effective pursuant to the Vehicle Equipment Safety Compact and such other provisions of this act as may be applicable.

History: L. 1963, ch. 71, § 4; 1975 (1st S.S.), ch. 9, § 9.

Meaning of "this act". — See note under same catchline following § 41-15-3.

Vehicle Equipment Safety Compact. — See § 41-15-2.

Cross-References. — Utah Department of Transportation, Chapter 49 of Title 63.

41-15-5. Legislative approval of rules of Vehicle Equipment Safety Commission required.

Pursuant to Subsection V(e) of the Vehicle Equipment Safety Compact, it is the intention of this state and it is hereby provided that no rule, regulation or code issued by the Vehicle Equipment Safety Commission in accordance with Article V of the compact shall take effect until approved by act of the Legislature.

History: L. 1963, ch. 71, § 5.

Vehicle Equipment Safety Compact. —
See § 41-15-2.

41-15-6. Appointment of commissioner on Vehicle Equipment Safety Commission — Designation and authority of alternate.

The commissioner of this state on the Vehicle Equipment Safety Commission shall be appointed by the governor. If he is an officer of the state government, the commissioner of this state appointed pursuant to this section may designate an alternate from among the officers and employees of his agency to serve in his place and stead on the Vehicle Equipment Safety Commission. Subject to the provisions of the compact and bylaws of the Vehicle Equipment Safety Commission, the authority and responsibility of such alternate shall be as determined by the commissioner designating such alternate.

History: L. 1963, ch. 71, § 6.

Meaning of "compact". — The term "compact," referred to in this section, apparently

means the Vehicle Equipment Safety Compact.
See § 41-15-2.

41-15-7. Coverage of employees of Vehicle Equipment Safety Commission under Public Employees Retirement System.

The Public Employees Retirement System may make an agreement with the Vehicle Equipment Safety Commission for the coverage of said commission's employees pursuant to Subsection III(f) of the compact. Any such agreement, as nearly as may be, shall provide for arrangements similar to those available to the employees of this state and shall be subject to amendment or termination in accordance with its terms.

History: L. 1963, ch. 71, § 7.

Meaning of "compact". — See note under same catchline following § 41-15-6.

Cross-References. — Public Employees' Retirement System, § 49-2-201 et seq.

41-15-8. Co-operation of departments, agencies and officers of state.

Within appropriations available therefor, the departments, agencies and officers of the government of this state may co-operate with and assist the Vehicle Equipment Safety Commission within the scope contemplated by Sub-

section III(h) of the compact. The departments, agencies and officers of the government of this state are authorized generally to co-operate with the commission.

History: L. 1963, ch. 71, § 8.

Meaning of "compact". — See note under same catchline following § 41-15-6.

41-15-9. Filing of documents with department of transportation.

Filing of documents as required by Subsection III(j) of the compact shall be with the Utah Department of Transportation.

History: L. 1963, ch. 71, § 9; 1975 (1st S.S.), ch. 9, § 10.

Meaning of "compact". — See note under same catchline following § 41-15-6.

Cross-References. — Utah Department of Transportation, Chapter 49 of Title 63.

41-15-10. Submission of budgets to transportation department.

Pursuant to Subsection VI(a) of the compact the Vehicle Equipment Safety Commission shall submit its budgets to the Utah Department of Transportation.

History: L. 1963, ch. 71, § 10; 1975 (1st S.S.), ch. 9, § 11.

Meaning of "compact". — See note under same catchline following § 41-15-6.

Cross-References. — Utah Department of Transportation, Chapter 49, Title 63.

41-15-11. Inspection of accounts of Vehicle Equipment Safety Commission.

Pursuant to Subsection VI(e) of the compact, the Utah Department of Transportation is hereby empowered and authorized to inspect the accounts of the Vehicle Equipment Safety Commission.

History: L. 1963, ch. 71, § 11; 1975 (1st S.S.), ch. 9, § 12.

Meaning of "compact". — See note under same catchline following § 41-15-6.

Cross-References. — Utah Department of Transportation, Chapter 49 of Title 63.

41-15-12. "Executive head" defined.

The term "executive head" as used in Subsection IX(b) of the compact shall, with reference to this state, mean the governor.

History: L. 1963, ch. 71, § 12.

Meaning of "compact". — See note under same catchline following § 41-15-6.

CHAPTER 16

MOTOR CLUBS

(Repealed by Laws 1985, ch. 242, § 58)

41-16-1 to 41-16-35. Repealed.

Repeals. — Laws 1985, ch. 242, § 58 repeals 1984 (2nd S.S.), ch. 15, § 57, relating to motor clubs, effective July 1, 1986.
 §§ 41-16-1 to 41-16-35, as amended by Laws

CHAPTER 17

DRIVERS' LICENSE COMPACT

(Repealed by Laws 1987, ch. 137, § 77)

41-17-1 to 41-17-7. Repealed.

Repeals. — Laws 1987, ch. 137, § 77 repeals License Compact, effective April 27, 1987. For present comparable provisions, see § 41-2-501 et seq.
 §§ 41-17-1 to 41-17-7, as amended by Laws 1965, ch. 79, §§ 1 to 6, relating to the Drivers'

CHAPTER 18

COMMERCIAL DRIVER TRAINING SCHOOLS

(Repealed by Laws 1987, ch. 137, § 77)

41-18-1 to 41-18-9. Repealed.

Repeals. — Laws 1987, ch. 137, § 77 repeals ch. 178, § 35, relating to commercial driver training schools, effective April 27, 1987. For present comparable provisions, see § 41-2-301 et seq.
 §§ 41-18-1 to 41-18-9, as enacted by Laws 1967, ch. 84, §§ 2 to 4 and 6 to 8 and as amended by Laws 1983, ch. 183, § 38, Laws 1984 (2nd S.S.), ch. 15, § 58, and Laws 1986,

CHAPTER 19

FEDERAL HIGHWAY SAFETY ACT

Section
 41-19-1. Powers and duties of governor.

Section
 41-19-2. Participation by political subdivisions.

41-19-1. Powers and duties of governor.

The governor, in addition to other duties and responsibilities conferred upon him by the Constitution and laws of the state of Utah is hereby empowered to contract and to do all other things necessary in behalf of the state to secure the full benefits available to this state under the federal Highway Safety Act of 1966, and any amendments thereto, and in so doing, to co-operate with the federal and state agencies, agencies private and public, interested organizations, and with individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto. The governor shall be the official having the ultimate responsibility for dealing with the United States Government with respect to programs and activities pursuant to the federal Highway Safety Act of 1966, and any amendments thereto. To that end he shall be responsible for activities of any and all departments and agencies of this state and its subdivisions, relating thereto. He may designate an appropriate person, commission or board to assist him in co-ordinating the activities and programs contemplated under this subsection [section].

History: L. 1967, ch. 53, § 1.

Highway Safety Act. — The federal High-

way Safety Act of 1966, referred to in this section, appears as 23 U.S.C. § 401 et seq.

COLLATERAL REFERENCES

Key Numbers. — Automobile ⇌ 18.61.

41-19-2. Participation by political subdivisions.

The Legislature of the state of Utah hereby authorizes the political subdivisions of this state to participate in the state highway safety program as contemplated by the federal Highway Safety Act of 1966, and any amendments thereto, and to do all things necessary to secure benefits available under that act.

History: L. 1967, ch. 53, § 2.

Highway Safety Act. — See note under same catchline following § 41-19-1.

CHAPTER 20

MOBILE HOMES AND RECREATIONAL VEHICLES

| Section | | Section | |
|----------|----------------------------------------------------------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------|
| 41-20-1. | Definitions. | 41-20-4. | Rental, lease or sale of mobile home or recreational vehicle — |
| 41-20-2. | Department of Business Regulation to enforce chapter — Powers. | | Certification of plans and specifications — Conversions or alterations to certified plans and specifications. |
| 41-20-3. | Rental, sale or lease of mobile home, recreational vehicle, manufactured home, salvage vehicle — Seals or labels required. | 41-20-4.5. | Fees. |
| | | 41-20-5. | Disposition of fees. |
| | | 41-20-6. | Violation a misdemeanor. |

Section

41-20-7. Tax clearance required to move
mobile home.

41-20-1. Definitions.

As used in this chapter:

(1) "Standard" means a standard adopted and published by the American National Standards Institute or the National Fire Protection Association, for recreational vehicles, and for mobile homes manufactured prior to June 15, 1976. For manufactured homes built after June 16, 1976, "standard" means the standard adopted pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974.

(2) "Mobile home" means a structure built prior to June 15, 1976, transportable in one or more sections, which is eight body feet or more in width and 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

(3) "Manufactured home" means a structure built after June 16, 1976, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Modular or pre-built homes conforming to the Uniform Building Code and presently regulated by the Department of Housing and Urban Development are exempt from this chapter.

(4) "Travel trailer" means a vehicular, portable unit, mounted on wheels, not requiring special highway movement permits when drawn by a motorized vehicle:

(a) designed as a temporary dwelling for travel, recreational, and vacation use; and

(b) when factory-equipped for the road, having a body width of not more than eight feet and a body length of not more than 40 feet.

(5) "Motor home" means a self-propelled vehicular unit, primarily designed as a temporary dwelling for travel, recreational, and vacation use.

(6) "Recreational vehicle" means a vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including but not limited to, a travel trailer, a camping trailer, a truck camper, a motor home, a fifth wheel trailer, and a van.

(7) "Person" includes any individual, firm, partnership, corporation, or other legal entity.

(8) "Salvage vehicle" means a mobile home, manufactured home, or recreational vehicle which is unfit for human habitation, to the extent that it is no longer feasible or desirable to bring it into conformity with the standards.

History: L. 1969, ch. 203, § 1; 1971, ch. 106, § 1; 1974, ch. 15, § 1; 1981, ch. 177, § 1; 1988, ch. 192, § 1.

Amendment Notes. — The 1988 amendment, effective April 25, 1988, substituted "chapter" for "act" near the beginning of the section and at the end of the second sentence of Subsection (3) and deleted "which are not constructed on a chassis" following "Urban Development"

in the second sentence of Subsection (3).

Cross-References. — "Camper" defined, § 41-1-1(ii).

Registration of campers, §§ 41-1-18.5, 41-1-18.6.

Words and phrases defined by statute, construction of, § 68-3-11.

NOTES TO DECISIONS

In general.

This section is merely definitional in nature and imposes no affirmative duties. *Tobias v.*

Brasher's Mobile & Motor Homes, 584 P.2d 840 (Utah 1978).

COLLATERAL REFERENCES

Am. Jur. 2d. — 54 Am. Jur. 2d Mobile Homes, Trailer Parks, and Tourist Camps § 1 et seq.

C.J.S. — 60 C.J.S. Motor Vehicles, § 58 et seq.

A.L.R. — What is "temporary" building or structure within meaning of restrictive covenant, 49 A.L.R.4th 1018.

Key Numbers. — Automobiles ⇌ 21 et seq.

41-20-2. Department of Business Regulation to enforce chapter — Powers.

(1) The Department of Business Regulation shall promulgate rules and regulations for the enforcement of the provisions of this act.

(2) The Department of Business Regulation or any person duly authorized by the department in writing may institute any appropriate action to enforce this act, or to prevent, restrain, correct or abate any violation of this act.

(3) If the Department of Business Regulation determines that mobile homes or recreational vehicles manufactured outside of this state are manufactured under standards substantially equivalent to those prescribed by it and that such standards are properly enforced, it may provide that any such mobile home or recreational vehicle certified as to manufacture by such other state meets the manufacture requirements of the department. The department may prescribe standards for certification and/or inspection or reciprocity with other states or agencies thereof.

(4) In order to properly carry out the provisions of this act, the Department of Business Regulation or any person authorized by the department in writing may:

- (a) conduct hearings;
- (b) issue subpoenas; and
- (c) administer oaths.

History: L. 1969, ch. 203, § 2; 1971, ch. 106, § 2; 1974, ch. 15, § 2.

Meaning of "this act". — The term "this act", used in Subsections (1), (2) and (4), first appeared in Laws 1969, ch. 203, § 2. Laws 1969, ch. 203, is codified as §§ 41-20-1 to

41-20-4, 41-20-5, and 41-20-6. The term is probably intended to encompass the entire chapter.

Department of Business Regulation. — See § 13-1-1 et seq.

41-20-3. Rental, sale or lease of mobile home, recreational vehicle, manufactured home, salvage vehicle — Seals or labels required.

(1) Every mobile home or recreational vehicle manufactured after July 1, 1970 which is rented, leased, sold, or offered for sale in this state after the effective date of this act, shall bear a seal issued by the Department of Business Regulation certifying that the plumbing, heating, nonelectrical illumination, electrical systems, and fire life safety of each mobile home or recreational vehicle are installed in compliance with the standards for mobile homes or recreational vehicles applicable at the time of manufacture.

(2) Every mobile home manufactured after April 1, 1974, which is rented, leased, sold or offered for sale in this state shall bear a seal issued by the state of Utah certifying that the body and frame is designed and constructed, and that the plumbing, heating, and electrical system is installed in compliance with the standards applicable at the time of manufacture.

(3) All manufactured homes built after June 15, 1976, shall have labels affixed to them required by the Department of Housing and Urban Development to certify compliance.

(4) A salvage vehicle sold or offered for sale in this state shall bear a seal issued by the Department of Business Regulation certifying that it does not comply with the standards for recreational vehicles, mobile homes, or manufactured homes and may not be used for human habitation without complying with those standards.

(5) The Department of Business Regulation, or a person duly authorized by the department, may issue a seal either on inspection of the plans for, or on actual inspection of, the mobile home, manufactured home, or recreational vehicle.

History: L. 1969, ch. 203, § 3; 1971, ch. 106, § 3; 1974, ch. 15, § 3; 1981, ch. 177, § 2. appears in Subsection (1), first appeared in Laws 1971, ch. 106, § 3, where it meant May 11, 1971.

Meaning of "effective date of this act". — The term "effective date of this act", which ap-

41-20-4. Rental, lease or sale of mobile home or recreational vehicle — Certification of plans and specifications — Conversions or alterations to certified plans and specifications.

(1) No mobile home or recreational vehicle manufactured after the effective date of this act shall be rented, leased, sold, or offered for sale in the state of Utah unless the Department of Business Regulation has certified that the plans and specifications pertaining to the plumbing, heating, nonelectrical illumination, and electrical systems of the mobile homes or recreational vehicles are designed in compliance with the American Standard for mobile homes or recreational vehicles. No changes or alterations shall be made to certified plans and specifications without the written approval of the department.

(2) No mobile home manufactured after April 1, 1974, shall be rented, leased, sold, or offered for sale in this state unless the manufacturer's in-plant quality control manual has first been filed with the Department of Business Regulation and the department has certified that the plans and specifications

for the body and frame design and for the plumbing, heating, and electrical system of such mobile home complies with the American Standard for mobile homes.

(3) No conversions or alterations shall be made to certified plans and specifications of mobile homes or recreational vehicles bearing or required to bear a seal of this state without the written approval of the Department of Business Regulation.

(4) Any conversion or alteration to plans or specifications shall be made in compliance with the rules and regulations promulgated by the Department of Business Regulation and in accordance with the applicable American Standard at the time of such conversion or alteration.

History: C. 1953, 41-20-4, enacted by L. 1971, ch. 106, § 4; L. 1974, ch. 15, § 4.

Repeals and Enactments. — Laws 1971, ch. 106, § 4 repealed former 41-20-4 (L. 1969, ch. 203, § 4), relating to vehicles certified by another state and enacted a new § 41-20-4.

Meaning of "effective date of this act". — The term "effective date of this act", which appears in Subsection (1), first appeared in Laws 1971, ch. 106, § 4, where it meant May 11, 1971.

41-20-4.5. Fees.

The Department of Business Regulation shall collect in advance fees determined by the department pursuant to Subsection 63-38-3(2) for the following:

- (1) multiple system seals and for single system seals;
- (2) filing each set of plans and specifications;
- (3) each model included in an application for plan approval;
- (4) each plumbing, fuel burning heat producing, and electrical system included in a recreational vehicle;
- (5) renewing the certification of each set of plans or specifications required by the department;
- (6) field inspection or field technical service when required by the Department of Business Regulation or when requested by a manufacturer or seller of mobile homes, manufactured homes, or recreational vehicles and with the approval of the department, and for re-inspection;
- (7) filing a change of name, address, or ownership of a manufacturer;
- (8) filing of in-plant quality control manual;
- (9) in-state, in-plant inspections, the frequency of which shall be determined by the department based on production rate, per hour rate for recreational vehicle manufacturers, and per hour rate for manufactured housing manufacturers;
- (10) out-of-state, in-plant inspections, the frequency of which shall be determined by the department based on production rate or field technical service, per hour rate for recreational vehicle manufacturers for time actually spent in the manufacturing facility plus air fare, current per diem, and necessary ground transportation; and
- (11) salvage seals.

History: C. 1953, 41-20-5, enacted by L. 1971, ch. 106, § 5; L. 1974, ch. 15, § 5; 1981, ch. 177, § 3; 1984 (2nd S.S.), ch. 15, § 59.

Amendment Notes. — The 1984 (2nd S.S.)

amendment changed the fees herein from fixed amounts to amounts determined by the department; and made minor changes in phraseology and style.

41-20-5. Disposition of fees.

All fees collected pursuant to this act shall be paid over to the state treasurer for deposit in the general fund as restricted revenue to be used for the enforcement of this act.

History: L. 1969, ch. 203, § 5.

Meaning of "this act". — See same catchline in notes following § 41-20-2.

41-20-6. Violation a misdemeanor.

Any person who violates any provision of this act is guilty of a misdemeanor.

History: L. 1969, ch. 203, § 6; 1971, ch. 106, § 6.

Meaning of "this act". — See same catchline in notes following § 41-20-2.

Cross-References. — Sentencing for misdemeanors, §§ 76-3-201, 76-3-204, 76-3-301.

41-20-7. Tax clearance required to move mobile home.

No mobile home shall be moved or transported by any person, including its owner, unless that person has first obtained, from the assessor of the county in which the mobile home is located, a certificate showing that all property taxes assessed against the mobile home have been paid in full, including any interest or penalties.

History: C. 1953, 41-20-7, enacted by L. 1975, ch. 126, § 1.

CHAPTER 21

UTAH HORSELESS CARRIAGE

Section

- 41-21-1. "Utah Horseless Carriage" defined.
 41-21-2. Registration fees — Affidavit — Certificate — License plates.
 41-21-3. Minimum speed inapplicable.

Section

- 41-21-4. Minimum safety equipment inapplicable.
 41-21-5. Operation on public highways.
 41-21-6. Revocation of registration — Powers of tax commission.

41-21-1. "Utah Horseless Carriage" defined.

Any motor vehicle which is thirty years or older, from the current year, primarily a collector's item, and used for participation in club activities, exhibitions, tours, parades, occasional transportation, and similar uses, but which is not for general daily transportation, shall, for the purposes of this act, be known as a "Utah Horseless Carriage."

History: C. 1953, 41-21-1, enacted by L. 1971, ch. 93, § 2; L. 1973, ch. 95, § 1; 1975, ch. 120, § 1.

Meaning of "this act". — The term "this act" refers to Laws 1971, ch. 93, which is compiled as §§ 41-1-131 and 41-21-1 to 41-21-6.

41-21-2. Registration fees — Affidavit — Certificate — License plates.

(1) In lieu of the annual registration fees levied in Section 41-1-127, the registration fees for any "Utah Horseless Carriage" shall be \$10, but no annual renewal of registration shall be required.

(2) The owner of a vehicle applying for registration under this section shall execute an affidavit that the vehicle is owned and operated for the purposes enumerated in Section 41-21-1 and that the vehicle has been inspected and found safe to operate on the highways of this state.

(3) The registration certificate issued under this section need not specify the weight of the antique vehicle.

(4) The license plates issued under this section shall bear no date but shall bear the inscription "Utah Horseless Carriage," "Vintage," "Antique," or other inscription selected by the tax commission, along with the registration number and shall be valid without renewal as long as the vehicle is owned by the registered owner.

History: C. 1953, 41-21-2, enacted by L. 1971, ch. 93, § 3; L. 1979, ch. 153, § 1.

41-21-3. Minimum speed inapplicable.

No provisions of this title relating to minimum speed provisions upon highways shall be deemed to apply to vehicles properly registered under Section 41-21-2 while the vehicles are being driven to or from an assembly, convention, or other meeting where the vehicles and their ownership are of primary interest, or while they are being driven to or from, or while on local, state, or national tours held primarily for the exhibition and enjoyment of the vehicles by their owners, and so long as the vehicle or group of vehicles are not operated in a manner which would constitute a public nuisance or create a hazard to other automobiles or persons.

History: C. 1953, 41-21-3, enacted by L. 1971, ch. 93, § 4.

41-21-4. Minimum safety equipment inapplicable.

No provisions of this title relating to minimum safety equipment shall be applicable to vehicles properly registered under Section 41-21-2 so long as the original equipment, on the vehicle at the time of its manufacture, is in good operating condition or has been replaced by equal or more efficient equipment in good working order and the vehicle is not operated in a manner or at a time which would constitute a public nuisance or create a hazard to other automobiles or persons.

History: C. 1953, 41-21-4, enacted by L. 1971, ch. 93, § 5.

41-21-5. Operation on public highways.

Any motor vehicle properly registered under this chapter may be operated or moved on the streets and highways for going to or from an assembly, convention, parade, or other meeting where the vehicles and their ownership are of primary interest, or while they are being driven to or from, or while on local, state, or national tours held primarily for the exhibition and enjoyment of the vehicles by their owners, and so long as the vehicle or group of vehicles are not operated in a manner which would constitute a public nuisance or create a hazard to other automobiles or persons.

History: C. 1953, 41-21-5, enacted by L. 1971, ch. 93, § 6.

41-21-6. Revocation of registration — Powers of tax commission.

The tax commission shall have the power to revoke the registration under Section 41-21-2 for willful failure to comply with the provisions of this chapter.

History: C. 1953, 41-21-6, enacted by L. 1971, ch. 93, § 7.

CHAPTER 22

OFF-HIGHWAY VEHICLES

| Section | | Section | |
|-------------|----------------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 41-22-1. | Policy declaration. | 41-22-10.4. | Snowmobiles. |
| 41-22-2. | Definitions. | 41-22-10.5. | Vehicles — Local ordinances. |
| 41-22-3. | Registration of vehicles — Application — Issuance of stickers and certificate — Proof of property tax payment. | 41-22-10.6. | Requiring compliance with traffic laws. |
| 41-22-4. | Falsification of documents unlawful — Alteration or removal of serial number unlawful — Display of sticker. | 41-22-10.7. | Vehicle equipment requirements. |
| 41-22-5. | Regulations of board relating to registration. | 41-22-10.8. | Protective headgear requirements — Exceptions — Penalty for violation. |
| 41-22-5.5. | Off-highway husbandry vehicles. | 41-22-10.9. | License or safety certificate required for operation — Penalty. |
| 41-22-6. | Repealed. | 41-22-11. | Agencies authorized to erect regulatory signs on public land. |
| 41-22-7. | Duplicate registration certificates. | 41-22-12. | Restrictions on use of public lands. |
| 41-22-8. | Registration fees. | 41-22-12.1. | Restrictions on use of snowmobile trails. |
| 41-22-9. | Vehicles exempt from registration. | 41-22-12.5. | Restrictions on use of privately-owned lands without permission — Unlawful for person to tamper with signs or fencing on privately-owned land. |
| 41-22-10. | Powers of board relating to off-highway vehicles. | 41-22-13. | Prohibited uses. |
| 41-22-10.1. | Vehicles operated on posted public land. | 41-22-14. | Operation of vehicle under the influence of liquor or drugs unlawful. |
| 41-22-10.2. | Off-highway vehicles — Prohibited on interstate freeway. | 41-22-15. | Permission required for race or organized event. |
| 41-22-10.3. | Operation of vehicles on highways — Limits. | | |